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*Attorneys for Jaynes Corporation and Western Surety Company*

UNITED STATES DISTRICT COURT  
 DISTRICT OF NEVADA

UNITED STATES FOR THE USE AND  
 BENEFIT OF AGATE STEEL, INC.;  
 AGATE STEEL, INC., an Arizona  
 corporation,

Plaintiffs,

vs.

JAYNES CORPORATION, a New Mexico  
 corporation; WESTERN SURETY  
 COMPANY, a South Dakota corporation,

Defendants.

JAYNES CORPORATION, a New Mexico  
 corporation,

Third-Party Plaintiff,

vs.

AMERICAN STEEL CORPORATION, a  
 Nevada corporation, THE OHIO  
 CASUALTY INSURANCE COMPANY, a  
 foreign corporation,

Third-Party Defendants.

CASE NO. 2:13-cv-01907-APG-NJK

**STIPULATION AND [**  
**ORDER TO CONTINUE BRIEFING**  
**SCHEDULE ON ALL PENDING**  
**MOTIONS**

**(Second Request)**

Defendant/Third-Party Plaintiff Jaynes Corporation, Inc. (“Jaynes”) and Defendant Western Surety Company (“Western”); Plaintiff United States for the Use and Benefit of Agate Steel, Inc. (“Agate”); and Third-Party Defendants American Steel Corporation (“American Steel”) and the Ohio Casualty Insurance Company (“Ohio”), by and through their respective counsel (collectively the “Parties”), hereby file this Stipulation and [Proposed] Order to Continue Briefing Schedule on All Pending Motions. This request complies with Local Rule (“LR”) 6-1 and 7-1. The litigation of this matter will be best served by the proposed extension.

At issue here are the following motions. Jaynes’ motions filed on August 13, 2015: Jaynes’ Motion to Strike American Steel’s Expert Designation [Doc. No. 104]; Motion for Partial Summary Judgment re American Steel’s Damages [Doc. No. 106]; Motion for Partial Summary Judgment re Obligation to Defend and Indemnify [Doc. No. 110]. American Steel and Ohio’s Motion for Partial Summary Judgment Against Jaynes Corporation Re: Bond Claims, filed on August 20, 2015 [Doc. No. 117].

#### **I. REQUEST FOR CONTINUED BRIEFING DEADLINES**

Jaynes and American Steel have filed a number of dispositive motions and are in the process of completing discovery, which closes on September 14, 2015. Additionally, while the Parties were unable to resolve this action during mediation, American Steel and Jaynes are still participating in settlement discussions. Jaynes and American Steel desire to continue the current briefing deadlines to allow the Parties to focus on preparation, taking, and travel associated with the upcoming depositions. Also, the Parties desire to limit the fees and costs incurred in this action, and in light of ongoing resolution efforts, would benefit from additional time to brief all pending motions. Finally, because the dispositive motion deadline is October 14, 2015, the continued deadlines will not alter or impact the current dispositive motion deadline. Agate has no opposition to this requested continuance.

#### **II. PROPOSED NEW DEADLINES**

##### **A. Jaynes’ Motion to Strike American Steel’s Expert Designation [Doc. No. 104]:**

Opposition currently: September 3, 2015

Opposition proposed: October 8, 2015

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Reply currently: September 14, 2015

Reply proposed: October 19, 2015

**B. Jaynes' Motion for Partial Summary Judgment re American Steel's Damages [Doc. No. 106] and Motion for Partial Summary Judgment re Obligation to Defend and Indemnify [Doc. No. 110]:**

Opposition currently: September 8, 2015

Opposition proposed: October 8, 2015

Reply currently: September 25, 2015

Reply proposed: October 26, 2015

**C. American Steel and Ohio's Motion for Partial Summary Judgment Against Jaynes Corporation Re: Bond Claims [Doc. No. 117]:**

Opposition currently: September 14, 2015

Opposition proposed: October 14, 2015

Reply currently: October 1, 2015

Reply proposed: November 2, 2015

**III. CONCLUSION**

For the foregoing reasons, the Parties respectfully request that the Court grant their request to continue the briefing schedule on all pending motions.

Dated: September 2, 2015

Dated: September 2, 2015

SNELL & WILMER L.L.P.

LAW OFFICES OF TIMOTHY D. DUCAR,  
PLC

By: /s/ Robin E. Perkins

By: /s/ Timothy D. Ducar

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Benefit of Agate Steel, Inc. and Agate  
Steel, Inc.



IT IS SO ORDERED.  
Dated: September 2, 2015

United States District Judge

1 Dated: September 2, 2015

2 CHEIFETZ IANNITELLI MARCOLINI, P.C.

3  
4 By: /s/ Claudio E. Iannitelli  
5 Claudio E. Iannitelli, Esq.  
6 (Admitted Pro Hac Vice)  
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11 *Attorneys for United States for Use and*  
12 *Benefit of American Steel Corporation;*  
13 *American Steel Corporation; and the Ohio*  
14 *Casualty Insurance Corporation*

15 **ORDER**

16 IT IS SO ORDERED.

17 DATED this \_\_\_\_\_ day of September, 2015.

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U.S. DISTRICT COURT JUDGE

1 Respectfully submitted:

2 SNELL & WILMER L.L.P.

3  
4 By: /s/ Robin E. Perkins

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**CERTIFICATE OF SERVICE**

I, the undersigned, declare under penalty of perjury, that I am over the age of eighteen (18) years, and I am not a party to, nor interested in, this action. On this date, I caused to be served a true and correct copy of the foregoing **STIPULATION AND [PROPOSED] ORDER TO CONTINUE BRIEFING SCHEDULE ON ALL PENDING MOTIONS (Second Request)** by the method indicated:

<u>                    </u>	U.S. Mail
<u>                    </u>	U.S. Certified Mail
<u>                    </u>	Facsimile Transmission
<u>                    </u>	Overnight Mail
<u>                    </u>	Federal Express
<u>                    </u>	Hand Delivery
<u>          X          </u>	Electronic Filing/ECF

and addressed to the following:

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*Attorneys for Plaintiffs*

DATED: September 2, 2015

/s/ Maricris Williams  
An Employee of Snell & Wilmer L.L.P.

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